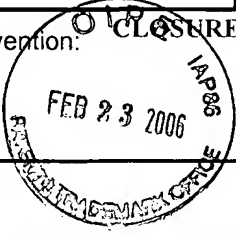
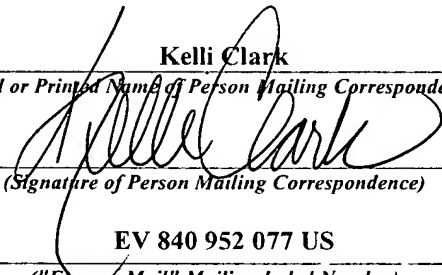


02-2406

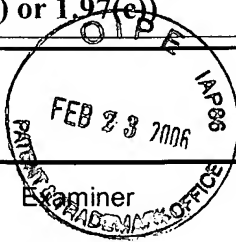
JFW

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b> Applicant(s): Michael T. Carley et al.			Docket No. 16497.1.1.5	
Application No. 10/667,144	Filing Date 09/19/2003	Examiner Unassigned	Customer No. 057360	Group Art Unit 3731
Invention: <b>CLOSURE DEVICE AND METHODS FOR MAKING AND USING THEM</b>				
				
I hereby certify that the following correspondence:				
Information Disclosure Statement Transmittal Letter (2 pgs, in duplicate); Information Disclosure Statement (2 pgs); PTO-1449 Information Disclosure Citation (5 pgs); Legible Copies of Five (5) Cited References; postcard; and Certificate of Express Mailing Label No. EV 840 952 077 US.				
(Identify type of correspondence)				
is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on				
February 23, 2006 (Date)				
Kelli Clark (Typed or Printed Name of Person Mailing Correspondence)				
 (Signature of Person Mailing Correspondence)				
EV 840 952 077 US ("Express Mail" Mailing Label Number)				
Note: Each paper must have its own certificate of mailing.				

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(e))

Docket No.  
16497.1.1.5

In Re Application Of: Michael T. Carley et al.



Application No.

Filing Date

Examiner

Customer No.

Group Art Unit

Confirmation No.

10/667,144

09/19/2003

Unassigned

057360

3731

7207

Title: CLOSURE DEVICE AND METHODS FOR MAKING AND USING THEM

Address to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**37 CFR 1.97(b)**

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☐ the statement specified in 37 CFR 1.97(e);

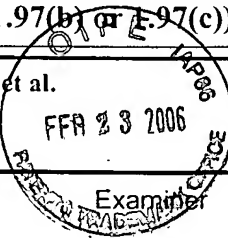
OR

☐ the fee set forth in 37 CFR 1.17(p).

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
16497.1.1.5

In Re Application of: Michael T. Carley et al.



Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/667,144	09/19/2003	Unassigned	057360	3731	7207

Title: CLOSURE DEVICE AND METHODS FOR MAKING AND USING THEM

**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 23-3178  
as described below.
- ☐ Charge the amount of \_\_\_\_\_
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**Certificate of Transmission by Facsimile\***

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fa	
_____ (Date)	<i>Signature</i>
_____ <i>Typed or Printed Name of Person Signing Certificate</i>	

**Certificate of Mailing by First Class Mail**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on	
_____ (Date)	<i>Signature of Person Mailing Correspondence</i>
_____ <i>Typed or Printed Name of Person Mailing Certificate</i>	

\*This certificate may only be used if paying by deposit account.

  
\_\_\_\_\_  
*Signature*

Dated: February 23, 2006

**FRASER D. ROY**  
Attorney for Applicants  
Registration No. 45,666  
Customer No. 057360

CC:



EXPRESS MAIL NO. EV 840 952 077 US

PATENT APPLICATION

Docket No: 16497.1.1.5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of		)
		)
	Michael T. Carley et al.	)
		)
Serial No.:	10/667,144	) Art Unit
		) 3731
Confirmation No.:	7207	)
		)
Filed:	September 19, 2003	)
		)
For:	CLOSURE DEVICE AND METHODS FOR	)
	MAKING AND USING THEM	)
		)
Examiner:	Unassigned	)

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which

the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

Statement of Relevance of References Listed  
Unaccompanied by English Translation  
Under 37 C.F.R. § 1.98(a)(3)

In accordance with 37 C.F.R. § 1.98(a)(3), the following concise explanation of the relevance of each listed reference that is not in the English language and unaccompanied by a translation into English is provided:

French Patent No. FR2722975, Published 1996-02-02: SURGICAL IMPLANT FOR FASTENING LIGAMENT AGAINST BONE SURFACE. The fastener has a W-shaped body defining a series of five-arm sections. A central vertical arm (1) is linked to a pair of upwardly-inclined outer arms (2,3) by intermediate arms (4,5), the outer and intermediate arm portions meeting at acute-angled bends (7,8). The central arm has a longitudinal through passage whose upper opening (11) is higher than the ends (9,10) of the two outer arm portions. The lower opening (12) of the through passage is flush with the lower surface of the junction between the two intermediate arm portions. The fastener is formed of a biocompatible shape-memory material, which has a martensitic transformation temperature below the temperature of the human body.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the required references or relevant portion thereof is also enclosed.

Dated this 23 day of February, 2006.

Respectfully submitted,



FRASER D. ROY  
Attorney for Applicants  
Registration No. 45,666  
Customer No. 057360

Applicant: Michael T. Carley et al.

Serial No.: 10/667,144

Att'y Docket No.: 16497.1.1.5

Filing Date: September 19, 2003

Group: 3731

For: CLOSURE DEVICE AND METHODS FOR MAKING AND USING THEM

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Date</u>	<u>Name</u>
___ 1	3,604,425	09/14/1971	LeRoy
___ 2	3,757,629	09/11/1973	Schneider
___ 3	3,805,337	04/23/1974	Branstetter
___ 4	4,217,902	08/19/1980	March
___ 5	4,396,139	08/02/1983	Hall et al.
___ 6	4,485,816	12/04/1984	Krumme
___ 7	4,505,274	03/19/1985	Speelman
___ 8	4,586,503	05/06/1986	Kirsch et al.
___ 9	6,665,906	05/19/1987	Jervis
___ 10	4,777,950	10/18/1988	Kees, Jr.
___ 11	4,860,746	08/29/1989	Yoon
___ 12	4,865,026	09/12/1989	Barrett
___ 13	4,917,087	04/17/1990	Walsh et al.
___ 14	4,950,258	08/21/1990	Kawai et al.

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Michael T. Carley et al.

Serial No.: 10/667,144

Att'y Docket No.: 16497.1.1.5

Filing Date: September 19, 2003

Group: 3731

For: CLOSURE DEVICE AND METHODS FOR MAKING AND USING THEM

_____ 15	5,007,921	04/16/1991	Brown
_____ 16	5,026,390	06/25/1991	Brown
_____ 17	5,053,008	10/01/1991	Bajaj
_____ 18	5,108,420	04/28/1992	Marks
_____ 19	5,156,609	10/20/1992	Nakao et al.
_____ 20	5,176,648	01/05/1993	Holmes et al.
_____ 21	5,192,302	03/09/1993	Kensey et al.
_____ 22	5,222,974	06/29/1993	Kensey et al.
_____ 23	5,304,184	04/19/1994	Hathaway et al.
_____ 24	5,334,217	08/02/1994	Das
_____ 25	5,366,458	11/22/1994	Korthoff et al.
_____ 26	5,478,354	12/26/1995	Tovey et al.
_____ 27	5,527,322	06/18/1996	Klein et al.
_____ 28	5,674,231	10/07/1997	Green et al.
_____ 29	5,683,405	11/04/1997	Yacoubian et al.
_____ 30	5,695,505	12/09/1997	Yoon
_____ 31	5,782,844	06/21/1998	Yoon et al.
_____ 32	5,782,861	07/21/1998	Cragg et al.

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Michael T. Carley et al.

Serial No.: 10/667,144

Att'y Docket No.: 16497.1.1.5

Filing Date: September 19, 2003

Group: 3731

For: CLOSURE DEVICE AND METHODS FOR MAKING AND USING THEM

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_____ 33	5,810,846	09/22/1998	Virnich et al.
_____ 34	5,810,851	09/22/1998	Yoon
_____ 35	5,830,125	11/03/1998	Scribner et al.
_____ 36	5,879,366	03/09/1999	Shaw et al.
_____ 37	5,910,155	06/08/1999	Ratcliff et al.
_____ 38	5,984,934	11/16/1999	Ashby et al.
_____ 39	6,007,563	12/28/1999	Nash et al.
_____ 40	6,036,720	03/14/2000	Abrams et al.
_____ 41	6,077,281	06/20/2000	Das
_____ 42	6,077,291	06/20/2000	Das
_____ 43	6,080,182	06/27/2000	Shaw et al.
_____ 44	6,080,183	06/27/2000	Tsugita et al.
_____ 45	6,402,765	06/11/2002	Monassevitch et al.
_____ 46	6,582,452	06/24/2003	Coleman et al.
_____ 47	6,719,777	04/13/2004	Ginn et al.
_____ 48	6,926,731	08/09/2005	Coleman et al.
_____ 49	2001/0047180	11/29/2001	Grudem et al.
_____ 50	2002/0082641	06/27/2002	Ginn et al.

Examiner:

Date Considered:

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Applicant: Michael T. Carley et al.

Serial No.: 10/667,144

Att'y Docket No.: 16497.1.1.5

Filing Date: September 19, 2003

Group: 3731

For: CLOSURE DEVICE AND METHODS FOR MAKING AND USING THEM

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_____ 51	2004/0010285	01/15/2004	Carley et al.
_____ 52	2004/0039414	02/26/2004	Carley et al.

Foreign Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Publication Date</u>	<u>Country or Patent Office</u>
_____ 53	WO 00/07640	02/17/2000	PCT
_____ 54	WO 98/24374	06/11/1998	PCT
_____ 55	WO 97/20505	06/12/1997	PCT
_____ 56	WO 01/91628	12/06/2001	PCT
_____ 57	FR 2722975	02/02/1996	France

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Examiner:

Date Considered:

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Applicant: Michael T. Carley et al.

Serial No.: 10/667,144

Att'y Docket No.: 16497.1.1.5

Filing Date: September 19, 2003

Group: 3731

For: CLOSURE DEVICE AND METHODS FOR MAKING AND USING THEM

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**References Cited by Applicants**

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

ML0000002771V001

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Examiner:

Date Considered:

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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